

861

SPES

SB

124

SB

124

SB

124

SB

Sen. Hackney;

For your information  
from Senator Tillion's  
office.

Fill  
SB 75

Ans. 2-22

*Peninsula Eye Clinic*  
PETER E. CANNAVA, M.D.  
OPHTHALMOLOGY  
BOX 1629  
SOLDOTNA, ALASKA 99669  
TELEPHONE 262-4462

February 18, 1980


Senator Clem Tillion  
Pouch V  
Juneau, Alaska 99811

The optometrists would have the legislature believe that they simply desire the use of a "little dose of eye drops" in order to serve the public better!

The enclosed page from one of their leading journals clearly portrays their real motives for legislating themselves into the world of eye drops. These people ultimately will be requesting that you create eye surgeons out of them.

The Optometrists have attached their drug bill to their Licensing Board renewal which will be renewed as part of the "sunset legislation" Thus renewal of their board will create drug pushers out of them. This is quite a sly maneuver! I hope the Free Conference Committee sees this and deletes it from their Board renewal bill.

Sincerely,

  
Peter E. Cannava, M.D.

PEC/bc

# OPINION

## READERS COMMENTS

### More on third parties

*To the Editor:*

May I clarify a statement in the article, "Third Party Care Comes to Steel Country," which appeared in your December issue?

The article states, "One schedule permits charging the patient the difference between lens and fee benefits and the O.D.'s charge."

It is important that doctors of optometry understand that the difference which they may charge is between the amount of the benefit and a reasonable and customary charge established by the carrier.

Although there are a few minor exceptions, the vast majority of the steel programs do not permit participating providers to charge the difference between the program benefit and the individual doctor's usual and customary charge. The ceiling is established by the carrier.

*Terry O'H. Stark  
Harrisburg, Pennsylvania*

### No time to look back

*To the Editor:*

Articles in various professional journals vehemently oppose the use of drugs, sphygmomanometry, nutritional counselling and other procedures which are essential to the practice of primary eye care.

The latest of these is a letter by Dr. Harold Friedenbergs (Review of Optometry, October 15) who states, "Never has optometry been a profession capable of or trained for the therapeutic aspects of eye care."

I think that Dr. Friedenbergs underestimates the capabilities and training of contemporary optometrists. And I am sure that he overestimates the capabilities and training of other doctors who use therapeutic drugs without restriction.

Other disciplines are evidently not as squeamish about expanding their professional scope. Opticians fit soft

and hard contact lenses without benefit of formal undergraduate or graduate training. Nurses are expanding their scope of practice considerably with fewer professional prerequisites than are required of optometrists. Dental hygienists and denturists are seeking licensure to practice independently of dentists. Podiatrists and osteopaths practice on a level which is significantly higher than their original concept of practice.

The field of health care is changing and optometry must change with it. The rapid growth of retail optical concerns is a threat to private optometric practice. If our profession is to survive, it must upgrade its scope of services commensurate with that provided by other health care professions.

This is no time to look back at what has been. What will be is our immediate concern.

*Vincent P. Lupica, O.D.  
Bronx, New York*

### Coming sooner or later?

*To the Editor:*

It's time for Dr. Friedenbergs to stop practicing 19th century optometry. If he feels he isn't capable of using therapeutic drugs, then he shouldn't.

But, please, let others practice a full scope optometry. We are prepared to treat. And, sooner or later, we will

*Martin A. Malz, O.D.  
Philadelphia, Pennsylvania*

### Courage to stand up

*To the Editor:*

Congratulations to Harold L. Friedenbergs, O.D., who had the courage to stand up and take an "Unpopular Stand" (Opinion, October).

Organized optometry is running scared, and it should be. One year ago I warned our state association president and executive director that our members didn't fully understand or appreciate the reasons for the adoption of the tremendous assessment to fund the National Consumer Communication Program. I predicted that we would lose many members, especially

in and around big cities like Chicago.

My warnings were completely ignored and now, one year later, we have the results: Our local society, which had 58 members one year ago, is now down to 39, with the number dropping rapidly.

We can criticize the politicians. We can blame the FTC, Sears and Pearle Vision. But those of us who have a practice large enough to take in a young graduate, and who don't are the real reasons why our profession is going down the drain.

Our future lies with our new graduates. Please make a spot for them in your practice.

*Herbert E. Smith, O.D.  
Des Plaines, Illinois*

### O.D.'s: Ready for more

*To the Editor:*

I hope all the Jimmie Newells and Harold Friedenbergs have said their piece (Opinion, October), because you boys are bringing me and the profession right down.

The legal limitations imposed upon this poor profession frustrate me. And I'm sure they frustrate most other recent and future graduates.

We are intelligent and we are aggressive. We are ready to treat pathological conditions of the eye. And given the opportunity for postgraduate training, we are ready to perform surgery.

I'm sick and tired of referring a routine conjunctivitis or glaucoma patient. I'm sick and tired of giving in to the fancies of the FTC and the propaganda of commercialists.

Let's put ourselves above all this, let's shoot for the top. To do so, we must work to pass more laws that increase the scope of our practice. And we must think seriously of the reality of post-optometric training in the field of ophthalmic surgery and pathology.

To all the Jimmie Newells of this profession, go cut a few lenses and adjust a few frames. But for God's sake keep quiet and allow this profession to go forward.

*Alan Frank, O.D.  
Berwick, Pennsylvania*

# ALASKA VISION CLINIC

DENNIS L. ALBERT, O.D.

THE PROFESSIONAL CENTER  
2221 E. NORTHERN LIGHTS - SUITE 206  
ANCHORAGE, ALASKA 99504 272-7211

FILE  
SB75

February 28, 1980

The Honorable Glenn Hackney  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Hackney:

Enclosed is information relating to Georgia's passage of diagnostic pharmaceutical legislation for optometry on Feb. 14, 1980.

There are now 32 states which allow the use of diagnostic drugs in optometry (24 by changes in optometry laws, 8 by existing laws). There is simply no excuse to allow the ophthalmologists to stall passage of the Alaska DPA bill (HB79 and SB75). Is there some compelling reason why this should not be passed, that has not been brought to the attention of the hundreds of legislators in these 32 states?

Respectfully,



Dennis Albert, O.D.



BULLETIN  
From  
OFFICE OF COUNSEL

VOL. XXXVIII, BULLETIN NO. 28

February 19, 1980

TO: O, T, DEC-C, Statutory Definition Advisory Committee, EMS, E, NE, State Association Presidents, Executives, Legislative Chairmen, Attorneys, Legislative Counsel, Statutory Definition Chairmen, Optometric Legislators, IAB-EC, State Board Presidents, Secretaries, Attorneys, Administrative Heads of Schools and Colleges, Mrs. Martin, AC, FRC, GC

SUBJECT: Georgia Legislation

FROM: Thomas E. Eichhorst, Counsel

On February 14, 1980, Georgia Governor George D. Busbee, a Democrat, signed into law Senate Bill 31. This law, entitled, "AN ACT To amend Code Chapter 84-11, relating to optometrists, so as to permit the use of pharmaceutical agents for diagnostic purposes by optometrists; to provide for the appointment of an additional member to the Georgia State Board of Examiners in Optometry; to change certain of the provisions relative to the appointment of members; to provide for the confirmation by the Senate of persons appointed as members of the Board; to repeal conflicting laws; and for other purposes", is enclosed.

The bill passed the House on February 4, 1980 by a vote of 121-42. It passed the Senate, as amended, on February 5, 1980, by a vote of 33 to 22.

Georgia is the twenty-fourth (24th) state to enact legislation specifically authorizing optometrists to utilize pharmaceutical agents. Twenty-two (22) states authorize optometrists to utilize diagnostic pharmaceutical agents; two states authorize optometrists to utilize pharmaceutical agents for diagnostic and therapeutic purposes. The list (and dates of enactment) of these states is as follows:

## UTILIZATION OF PHARMACEUTICAL AGENTS BY OPTOMETRISTS

<u>NAME</u>	<u>DATE OF ENACTMENT</u>
Rhode Island	July 16, 1971
Pennsylvania	March 1, 1974
Tennessee	May 3, 1975
Oregon	May 20, 1975
Maine	June 24, 1975
Louisiana	July 6, 1975
Delaware	July 10, 1975
*West Virginia	March 4, 1976
California	July 9, 1976
Wyoming	February 17, 1977
New Mexico	March 4, 1977
Montana	April 12, 1977 (at 10:10 a.m.)
Kansas	April 12, 1977 (at 2:00 p.m.)
*North Carolina	June 3, 1977
Kentucky	March 29, 1978
Wisconsin	April 29, 1978
Nebraska	February 13, 1979
South Dakota	March 15, 1979
Utah	March 21, 1979
North Dakota	March 22, 1979
Arkansas	April 2, 1979
Nevada	May 25, 1979
Iowa	June 8, 1979
Georgia	February 14, 1980

\*both diagnostic and therapeutic

[In addition, there are eight (8) other states that do not statutorily prohibit the use of DPAs by optometrists; several of these states have attorney general opinions (+favorable) (-unfavorable) on this point: Alabama (AG-), Florida (AG+), Idaho (State Board Statement +), Indiana (AG+), Michigan (AG-), Minnesota, New Jersey (AG+), Virginia (AG-).]

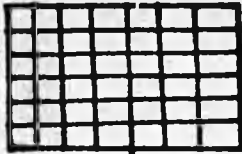
For your information we are including an updated map showing geographically the utilization of pharmaceutical agents by optometrists.



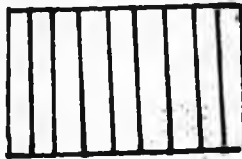
UTILIZATION OF PHARMACEUTICAL AGENTS BY OPTOMETRISTS



Authorized by Optometrists by Statute



Permitted by Opinion of Attorney General or State Board Secretary



No Statutory Prohibition



No Statutory Prohibition but Negative A.G. Opinion

File

3-15-80

Dear Mr. Hackney,

I would like to ask your support for Bill No. 75. I see no reason why properly trained doctors of optometry should not be permitted to use diagnostic drugs in their field. In other states and in the armed forces optometrists do use diagnostic drugs. Why not in Alaska? I again urge your support for Bill No. 75.

Thank you,

Michael A. Lingenfelter  
P.O. Box 5433  
North Pole AK  
99705

TO: Senator Glenn Hackney  
Alaska State Senate

Mar. 15, 1980

Dear Mr. Hackney:

I have moved recently to Alaska from the state of Oregon where Optometrists are allowed to use diagnostic drugs. I see no reason why Doctors of Optometry in Alaska should not be given the legal right to use these drugs which they are trained to use.

Senate Bill No. 75 is a cause which you should support.

Thank You.

*Edel J. Laycock*

Mrs. Edel J. Laycock  
94 Ridgetop Loop  
Fairbanks, Alaska 99701

*File* ↗

*file*

Honorable Glenn Hackney  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

March 13, 1980

Dear Mr. Hackney;

I would like to urge you to support Senate Bill 75. The bill will promote better eye health care by granting optometrists the right to use diagnostic drugs in their professional field. It will also correct the inequity of current Alaska law which allows health aids to administer these eye drops while prohibiting their use by a Doctor of Optometry.

Thank you.

*Mrs. James Sewell*

Mrs. James Sewell  
S.R. Box 80922  
Fairbanks, Ak. 99701

March 20, 1980

Mr. Glenn Hackney  
Alaska State Senate  
Pouch V,  
Juneau AK 99811

*File*

Dear Mr. Hackney,

I would like to ask your support for Senate Bill No. 75. Optometrists should be allowed by law to use the diagnostic drugs which they are trained to use.

Thank you for your consideration.

Sincerely,

*Joseph C. Schmidt*

Joseph C. Schmidt

P.O. Box 5451  
North Pole, AK 99705

312 - 5th Ave.  
Fairbanks, Alaska  
March 27, 1980

The Honorable Glenn Hackney  
Alaska State Senate  
Pavak V  
Juneau, Alaska 99811

File

Dear Senator Hackney:

I am writing to ask your support of Senate Bill #75 which would allow optometrists to use diagnostic eye drops for which they have been trained. This bill is in the best interest of the public health of Alaskans.

Yours truly  
Marilyn Swarner  
(Mrs. C. M. Swarner)

SB

80

COMMITTEE REPORT  
SENATE

1/29/79

FURTHER: Finance

Date: \_\_\_\_\_

Mr. President:

HEALTH, EDUCATION AND SOCIAL  
SERVICES

The Committee on \_\_\_\_\_ has had SB 80

supplemental appropriations to University of Alaska, working capital fund  
and grievance procedures

under consideration and (a majority of the committee) (the committee)  
reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without <sup>INDIVIDUAL</sup> recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Arlis Sturgulovich

Dorothy Johnson

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Glenn Adams

CHAIRMAN

NO REC





# Alaska State Legislature

Senate

Committee on

Health, Education & Social Services

*Copy*

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

Glenn Hackney, Chairman  
Frank Ferguson, Vice Chairman  
Mike Colletta  
Bettye Fahrenkamp  
Arliss Sturgulewski

March 7, 1979

## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE LETTER OF INTENT FOR SB 80

The Senate Health, Education and Social Services Committee feels the University of Alaska has made good faith efforts to comply with legislative requests to get its financial affairs in order. It is the intent of the Health, Education and Social Services Committee in passing out SB 80 that the University should be allowed a fund for flexibility of operations. However, the Committee feels that the Finance Committee should look carefully at the appropriateness of the figure called for in SB 80.

---

Senator Glenn Hackney  
Chairman

SCSB 92-3  
79

Funding Information:  
General Fund: \$4,867,500  
Other Funds: -0-  
\$4,867,500

Introduced: 1/29/79  
Referred: Health, Education  
& Social Services and  
Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 80

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making supplemental appropriations to the  
7 University of Alaska, working capital fund and grievance  
8 procedures; and providing for an effective  
9 date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. The sum of \$4,829,000 or the amount lapsed by the univer-  
12 sity at the close of FY 1978, whichever is less, is appropriated from the  
13 general fund to the University of Alaska for the purpose of removing the  
14 deficit stated in the university's annual report and establishing a working  
15 capital fund.

16 \* Sec. 2. The sum of \$38,500 is appropriated from the general fund to  
17 the University of Alaska for the purpose of providing funds for grievance  
18 procedures with the Alaska Community Colleges' Federation of Teachers.

19 \* Sec. 3. The unexpended and unobligated portion of the appropriations  
20 made in this Act lapses June 30, 1979.

21 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.-  
22 10.070(c).

23 *looking interested?*  
24 *looking*

79

26  
27  
28  
29

RE: Sec 1 only SB 86

F476 Audit  
Unallocated Deficit 1,002.4  
F477 Audit  
Unallocated Deficit 4,911.9

Accrued Annual Leave  
F476 increase 312.5  
F477 increase 1,524.5  
1,837.0

Net, F477 Operations 3,909.5

less:

Accrued Annual  
leave 1,837.0

2,072.5 instead of 4,829.0

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# LAWS OF ALASKA

1978

Source  
FCCS SCSHB 953

Chapter No.  
79

## AN ACT

Authorizing the Department of Administration to make advances to the University of Alaska; and providing for an effective date.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 37.10.088(a) and (b) are amended to read:

(a) During any fiscal year the Department of Administration may make advances to the University of Alaska against verified receivables from appropriations for grants and contracts from federal or private sources of the university and upon condition that the university reimburse the fund for these advances from funds received by the university from federal or private sources. The advances may not exceed 80 per cent of the verified receivables from grants and contracts appropriated from federal or private sources.

(b) Until June 30, 1980, the total of advances in any fiscal year may not exceed 20 per cent of the total of grants and contracts from federal and private sources appropriated to the university for that fiscal year. After June 30, 1980, the total of advances in any fiscal year may not exceed 10 per cent of the total of grants and contracts from federal and private sources appropriated to the university for that fiscal year. The amounts advanced in any fiscal year shall be repaid in full to the department within 120 days following the close of that fiscal year. If the repayment is not made on a timely basis, the department may withhold amounts due from state fund appropriations for the university.

\* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

Approved by the Governor: June 28, 1978  
Actual Effective Date: June 29, 1978



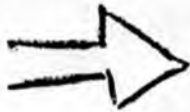
UNIVERSITY OF ALASKA  
FAIRBANKS, ALASKA 99701

February 14, 1979

TO: The Honorable John Sackett  
Chairman, Senate Finance Committee  
  
The Honorable Russ Meekins  
Chairman, House Finance Committee

Gentlemen:

At its meeting on February 1, 1979, the University Assembly passed the following resolutions in support of the University of Alaska administration.



1. The University Assembly supports the University of Alaska administration in requesting that the \$4.87 million lapsed by the University of Alaska during FY78 be reappropriated to the University in addition to the regular FY79 appropriation.
2. The University Assembly supports the University of Alaska administration in requesting that the state government appropriate only the General Fund monies and not university generated income and grant monies.

As you are aware, the University Assembly is "the all University body including both four-year and community college units made up of students, classified staff, faculty and administration charged by the Board of Regents with the task of recommending policy".

---

Foster F. Diebold  
President

FFD:sj

cc: Members of the Senate Finance Committee  
Members of the House Finance Committee  
Dr. Hugh B. Fate, President, and  
Members of the Board of Regents  
All Chancellors  
President's Staff  
John Morack, President, University Assembly

SB 80

JA01 0011 .11.12 JA01 0035 11.12 03/01/79

TO: TRUDY, FBX  
FROM: SENATOR HACKNEY, JNU

PLEASE DELIVER FOLLOWING TO: DR. CARTER, VICE PRES, FINANCE  
U OF A - FAIRBANKS  
SENATE BILL 80 WILL BE BEFORE SENATE HESS COMMITTEE ON  
WEDNESDAY, MARCH 7, 3:30 PM, IN ROOM 207 CAPITOL, JUNEAU.  
WOULD YOU PLEASE BE IN ATTENDANCE. THANK YOU.

THANKS, TRUDY. /M/ EOM

*To Senator  
Hackney*

LA21 1023 .11.19 JA01 0036 11.20 03/01/79

TO SENATOR HACKNEY FROM TRUDY

DR. CARTER WILL BE PLEASED TO APPEAR BEFORE YOUR  
COMMITTEE ON MARCH 7. /TC/ EOM

SB

88

COMMITTEE REPORT  
SENATE

1/31/79

FURTHER: Judiciary

Date: \_\_\_\_\_

Mr. President: HEALTH, EDUCATION &  
The Committee on SOCIAL SERVICES has had SB 88  
relating to truant children

under consideration and (a majority of the committee) (the committee)  
reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)  same title
- replace with CS for \_\_\_\_\_  new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*[Handwritten signature]*  
\_\_\_\_\_  
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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*[Handwritten signature]*  
\_\_\_\_\_  
*Voluntary No Rec.*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[Handwritten signature]*  
\_\_\_\_\_  
CHAIRMAN  
DO 1/158

AB88 "An Act relating to <sup>SAESS 79-80</sup> ~~the amount of~~  
By: Meland

Introduced 1-31-79  
Logged 1-31-79  
Referred to Judiciary  
Comm. meeting 3-14-79 - Passed with letter of intent.  
" Action taken & Senate Secy. 3-15-79 9:40m

F/W & Position paper  
Sen Meland's office notified  
HSS - Notified

3/14/79

SB 88

Sen. Meland. This bill has been before this committee before. It saw action a year ago, but after going through both this committee and the Judiciary Committee it somehow got lost before the 162 days was up.

SB 88 is a bill put in by request from a principal from the Sitka Junior High by the name of Duke Duncing. I think possibly it might be just as well to give the committee a little background from a letter that I did receive which caused me to go ahead and have the bill written up. Mr. Duncing sees the problem this way. He says, 'I've tried to solve the truancy problem by following the procedures outlined under the compulsory attendance law (AS 14.30.030). At that time, 1970, it took most of the year to bring the problem to the attention of the courts and by then the school year was nearly over. Meanwhile students were truant from school for two or three weeks at a time and I could find no way to get them back to school. Currently both the school attorney, Mr. Weddle of Juneau and Assistant District Attorney, Mr. Jim Hanley advised that it is virtually impossible to use the compulsory attendance law as you do have to prove wilful intent on the part of the parent. He goes further in saying while looking for a more expedient solution to the problem after my experience with the compulsory attendance law, I talked to the Honorable Judge Carlson and his solution to the problem was filing a petition under the juvenile statutes, which stated a minor came under the pervue of the court when he is habitually truant from school or home or habitually so conducts himself as to injure or endanger the morals or health of himself or others. Mr. Duncing said this worked very well as long as Judge Carlson sat on the bench in Sitka, but there was some reluctance on the part of subsequent Superior Court judges to follow through, but it still always was effective when they did. The new statutes took out the explicit wording in regard to truance and so consequently it is much more vague. The result it where that we are back to where we were several years ago with still no effective way to get truants back in school.

It has been my experience the last two or three years that when students are habitually truant from school they end up getting in more trouble than they would have been if they were in school.'

That is briefly what he has in mind. Last year when this bill came out of both this committee and the Judiciary committee there was no fiscal note on it. I am very suprised to hear that this little four line change now, comes out of Health and Social Services and says that to be effective the fiscal note is going to be \$1,946,000 up to \$2,334,000 by 1984. H&SS asking for 51 social workers to put this into effect. I'll be most anxious to listen to testimony.

21  
Elisabeth Murktarian. At the present time the statute does not cover habitual truancy and the statute primarily addresses child protection. The department doesn't feel that truancy alone is reason enough to intervene in a family and initiate court action with regard to child protection.

Sen. Hackney. Is that why the fiscal note came out so high?

Elisabeth Murktarian. In terms of the fiscal note, it was felt it would be necessary to have additional staff to perform these functions and would require having a social worker in each of the 5 highschools in Anchorage and one for each school district.

It would be a social worker III. I'm not sure what the salary is, I think it is a range 16.

Sen. Ferguson. What you are attempting to do here is have a social worker in every school.

Elisabeth Murktarian. Every school district, except in Anchorage where we'd have one associated with the five high schools in order to address the specific problems of truancy.

Sen. Fahrenkamp. I wonder if there is why there is one needed for each high school in Anchorage, why there isn't one needed for each of the high schools in Fairbanks?

E. Murktarian. I'm not sure why that was done.

Sen. Fahrenkamp. Mr. Chairman, do you know the salary of a range 16?

John Pugh. It's around \$2,000 a month approximately.

Sen. Sturgulewski. Mr. Chairman, if we had this kind of thing on the books previously, I have a good idea that it was there for not a question of somebody playing the truant officer daily as in olden days, but that it was an additional protection to be utilized in those cases when it was particularly needed. Is that true? How did we handle it before? Isn't there a way of having something like this on the books that gives the kind of a tool in those particular cases when it is needed. I find it a little bit offensive to think that there is only one way to apply a law. We just don't enforce laws that we. You just don't go out and create a whole world because you've got maybe 10, 15, 20 or 30 or whatever the number of kids are across the state. Why do we have to, in order to get to what must be a problem, have to do this great big glorious that is going to cost us a couple of million dollars? Isn't there an inbetween way to get it on the books and to add that tool to whoever has other charges and do something with it?

E. Murktarian. I think that if truancy is associated with other problems in the home such as neglect or abuse or some of the other things which are covered in AS 47.10.010 that the department can intervene under the present statute.

31  
Sen. Sturgulewski. We have testimony that's not true, then what's happening in the delivery system somewhere that says that it has to be listed because we do have areas where we are habitually absent as a condition, refusing to accept available care as a condition, and I can't see what the big deal is just adding one more thing that would give evidence.

Sen. Hackney. That escapes me too. We don't put a social worker in every school in the state to deal with the other areas that come under putting kids under the jurisdiction of Health and Social Services.

E. Murktarian. The other areas which are covered in the statute have to do with problems in the home and in some instances petitions are filed and children may be placed in foster care and is working with the family. In terms of school attendance alone, the role I think of the social worker would be somewhat different in terms of what a social worker could do to insure school attendance.

Sen. Fahrenkamp. What's wrong with truant officers?

Sen. Sturgulewski. Could we take a look at the statute that is being proposed. Are those things mutually exclusive or are those things added together to say, there is a problem, we are going to go to court and we are going to have things done.

Sen. Hackney. This is the section of law that deals specifically with kids who get . . .

Sen. Sturgulewski. It just seems to me that what we are doing is adding another category of decision making, we are not creating a whole new field, I mean these things work together.

E. Murktarian. The way the statute had been changed in 1977 primarily the categories under which proceedings can be made for a child in need of aid have to do primarily with child protection situations, where a child needs somekind of protection.

Sen. Sturgulewski. Is there another area in this statute where it might more appropriately be located. When we are talking about . . . The thing to do is to get a child somehow cared for to where they can get help. Would you find that the fact that they're habitually truant from school, they've got a problem. Is that a different than the child who is habitually absent from his home? Might not your solution be the same thing? You've got a kid in trouble. He needs to be identified. I'm just having some real problems seeing why we need a different system for this child who has obviously got a problem if he is not getting to school.

E. Murktarian. Under the exiting statute if there are other problems in his nonattendance from school, the child can be served.

Sen. Hackney. Why couldn't the child be served in the normal social worker situation instead of putting a social worker in every school? Are you saying caseloads are to the point where . . .

4  
E. Murktarian. Caseloads are high, yes. And this would be an additional responsibility related specifically to schools and ensuring school attendance.

Sen. Fahrenkamp. If you took 51 social workers and you paid them \$2,000 a month for a nine month period, and added to it the \$25,500 that they need for equipment, I don't know what equipment they need, and the \$15,500 for commodities, whatever that is, and the \$6,100 for contractual services, and the \$4,600 for travel, I can't come anywhere near, I am just about a million dolla s short of their figures.

Sen. Meland. I am just wondering whether the young lady can say, I'm most anxious to know when those words were stricken, did the state all of a sudden start saving \$2 million?

Sen. Sturgulewski. Could we have Sen. Meland once again, why do we need this?

Sen. Meland. Well, I've tried to answer. . . The problems are listed in Mr. Duncing's letter. And he goes on to say 'the most outstanding example this year is a girl, age 14, who had not been in school since the 3rd or 4th day of school' . . .

Sen. Sturgulewski. Who is having the problem? Would it be the one that would normally be enforced through H&SS, would that be a logical place to handle this kind of thing?

Sen. Meland. What he is trying to do, I think, is to atleast have the court enter into it. He says 'we've tried to get something done in both cases but cannot find anyone willing to pursue udner either the new law or the compulsory attendance law, we've had 2 or 3 other cases in the district this year that would there have been an avenue, we would have done something. These are not situations where we wish to see anyone punished, and I've never seen anyone punished unless other things were brought into the case besides truance. I think this is quite important too.

I think you kind of have a handle on it. We're not trying to put kids in jail or any such. It seems to be sufficient to have a couple of three cases a year brought before a judge and have him lay out the alternatives to discourage further truancy, this also acts as a deterrant to others who might be considering it and in some cases the judge determines it is not the fault of the child but tht of the parents. In either case it brings the attention of someone who had the power to do something about it instead of having it drift in limbo.

Sen. Hackney. I don't think we are talking about that many kids and so I suppose the logical question that comes is, if we go ahead and pass this bill and the department gets an extra 20 kids around the state dumped on them as the result of it, it it going to cause the department to flounder if we don't allow you any more bodies to . . .

21  
E. Murktarian. I'm not sure. I don't have the figures available of the number of children we are talking about but again, it has to do with whether or not something which has to do with the school system and primarily should fall under the responsibility of the child action agency.

Sen. Fahrenkamp. It seems to me that truancy is a school district function or school function, this to me is conflict and I'm wondering if we don't have it under the wrong section.

Steve Hole. The department supports the bill without respect to the fiscal implication. Essentially there are two problems with the compulsory attendance law. The first is the issue of remedy and the second is the issue of jurisdiction. In the compulsory attendance statute, the remedy is with the parent, if the parent doesn't care enough to insure that the kid attends school, throwing the parent in jail or fining the parent isn't going to make any difference. The second problem, that of jurisdiction, is that in order to initiation action under the compulsory the school district has to act as a quasi-enforcement role. That is not a role easily assumed by most school districts. The reason the proposed statutory change appears to have some merit is that in those rare instances where the issue is that of jurisdiction, the kid is running loose, there is obviously no parental control, the issues go far beyond compulsory attendance or truancy, but that is one of the issues. It provides a very immediate means for a case to be presented to a court, the court to impose its jurisdiction upon the child if necessary, put him into a foster home. If necessary, take a variety of steps but have immediate reaction with respect to the kid.

In other words, the remedy is with the child. The problem.

Sen. Hackney. I would suggest that we might entertain a motion to pass the bill out with whatever recommendation you feel comfortable with, and attach to it a letter of intent that would say it is not the intent that masses of social workers be hired to take care of the problem.

Sen. Sturgulewski. It says enactment of the bill would essentially remove the responsibility for truance investigation from the various school districts throughout the state. That bothers me. If that's true, that certainly isn't our intent either. There is a flat statement there so if we pass this, will we make the situation worse because we are not getting the schools to do anything.

Sen. Hackney. That is an excellent point. I would not see it that way, I would see it as being an addition of a little more strength for the schools to be able to deal with those occasional situations where habitual truancy is . . .

E. Murktarian. In response. The schools district, I think he mentioned, were having difficulty with assuming the enforcing role in regard to truancy, that role would end up being transferred

6  
to the Division of Social Services and they would end up with the role of trying to enforce student attendance. Petitioning the court, bringing it under court jurisdiction is not necessarily going to ensure that a child is going to go to school even if you place him in a foster home.

Steve Hole. We don't see this bill as having any impact upon present truancy monitoring procedures that districts might have in terms of home-school coordinators, counsellors, those kinds of things. Again, it's a mechanism that would be imposed in very rare instances, but where it is very truly needed. It only goes one step beyond what the districts presently do in that it provides a mechanism to bring that which is a real problem for very few children to the attention of someone who can make a difference. Presently, there is no jurisdictional control in terms of a district doing anything with a problem child who really needs some help, but who does not attend school or whose parents do not care.

Sen. Sturgulewski. Any statute that we might have that deals with the responsibility of the school district to handle truancy would still be in effect. I would move that we pass out SB 88 with individual recs with the letter of intent covering two areas, one regarding social workers and the other the fact that it is not our intent this bill would remove this responsibility for truancy investigation from the various school districts.

No obs, so ordered.



# Alaska State Legislature

Senate

Committee on

Health, Education & Social Services

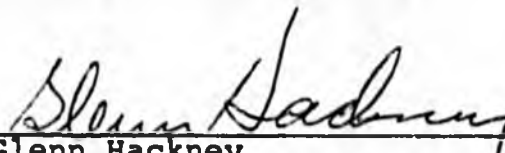
Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

Glenn Hackney, Chairman  
Frank Ferguson, Vice Chairman  
Mike Colletta  
Bettye Fahrenkamp  
Arliss Sturgulewski

## LETTER OF INTENT FOR SB 88

It is the intent of the Senate Health, Education and Social Services Committee that those rare cases of need with which the School District cannot cope would be addressed by SB 88. It is not the intent that this would remove from the School Districts their present role in enforcing attendance.

  
Glenn Hackney  
Chairman

Date: March 14, 1979

INTRODUCTION OF BILLS (Senate) (Cont'd)

Truant  
Children

SENATE BILL NO. 88, by Senator Meland. Amends AS 47.10.010(a)(2) (A), under Art. 1 "Jurisdiction of the Juvenile Courts," to add "habitually truant from school" to conditions which bring a minor under the jurisdiction of the Juvenile Courts. (1977 amendment re-wrote (a) and omitted this condition.) Does not provide for effective date.

Introduced January 31 and referred to HESS, then to Judiciary.

POSITION PAPER

SENATE BILL NO. 88

"An Act relating to truant children."

This Bill would amend AS 47.10.010(a)(2)(A) to include habitual truancy from school as a reason for adjudication of a child as a "child in need of aid."

The Governor's Children's Code Task Force, after considerable study and deliberation, recommended that truancy be eliminated as a reason justifying adjudication of a child as a child in need of aid. The Department supported this recommendation which was accepted by the Legislature and became law in 1977.

The Department does not consider truancy alone as sufficient justification for it to intervene in a family and to initiate court action. If the Department is required to assume this additional responsibility it would be very costly, requiring the hiring of staff to deal with this problem area.

In addition, if a child protection situation such as abuse, neglect, or abandonment exists in addition to habitual truancy, the Department can intervene and initiate court action under AS 47.10.010(a) as it presently reads. Under AS 47.17.020, schools are required to report child abuse and neglect situations to the Department of Health and Social Services.

RECOMMENDED BY: Art Holmberg DATE: 3/5/79  
Art Holmberg, Director  
Division of Social Services

APPROVED BY: Helen D. Beirne DATE: \_\_\_\_\_  
Helen D. Beirne, Commissioner  
Department of Health and Social Services

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. Senate Bill No. 88  
 Title An Act relating to truant children.  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL  
 Agency Affected Health and Social Services  
 Program Category Affected Social Services  
 BRU, Program, or Subprogram(s) Affected Social Services BRU  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		\$1894.6	\$1989.3	\$2088.8	\$2193.2	\$2302.9
200 TRAVEL		4.6	4.8	5.1	5.3	5.6
300 CONTRACTUAL		6.1	6.4	6.7	7.1	7.4
400 COMMODITIES		15.3	16.1	16.9	17.7	18.6
500 EQUIPMENT		25.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		\$1946.1	\$2016.6	\$2117.3	\$2223.3	\$2334.5

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND		\$1946.1	\$2016.6	\$2117.3	\$2223.3	\$2334.5
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		51	51	51	51	51
PART TIME						
TEMPORARY						

*Soc. Work. 13  
Range 16  
2/20/79*

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Enactment of this bill would essentially remove the responsibility for truancy investigation from the various school districts throughout the state. It is difficult, at this time, to determine exactly how many social workers would be required to meet this obligation. In all, districts would require part of one social worker's time, larger districts more than one worker. We have taken, therefore, an average of one per district, with the exception of Anchorage, where we have established six. The salary costs are based on current salary schedules, plus the additional FY 79 4% increase and an estimated 5% salary increase for FY 80. Reimbursement of mileage at \$.25 a mile x an average of 30 miles a month x 51 workers would minimally be required. Telephone rental would be necessary at an average of \$10 a month for each worker; general office supplies at an average of \$300 a year each; and a desk and chair, at an average of \$500 each.

IV. DATE 2/20/79 PREPARED BY Art Holmberg, Director  
 AGENCY Division of Social Services  
 PHONE 465-3170  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

# GREATER SITKA BOROUGH SCHOOL DISTRICT

ACCREDITED BY THE NORTHWEST ASSOCIATION OF SECONDARY SCHOOLS & COLLEGES

CESP88



P. O. BOX 179 SITKA, ALASKA 99835

NELAND J. HAAVIG  
SUPERINTENDENT

February 1, 1979

Senator Glenn Hackney, Chairman  
Health Education and Social Services Committee  
Pouch V  
Juneau, AK 99811

Dear Senator Hackney,

I am writing in support of Senate Bill number 88 relating to truant children.

The juvenile statutes which were adopted a couple of years ago took out any specific wording regarding truancy. Thus no one wants to touch the problem. What we have in effect is a compulsory attendance law with no effective way to enforce it. I have been advised by both our school attorney, Mr. Randy Weddle of Juneau, and the Assistant District Attorney, Mr. Jim Hanley, that it is virtually impossible to use the compulsory attendance law as one must prove "willful intent" on the part of the parent.

These are not situations where we wish to see anyone punished and I never saw anyone punished under the old statute unless other things were brought into the case besides truancy. It seems to be sufficient to have a couple or three cases a year brought before a judge and have him lay out the alternatives to discourage further truancy. This also acts as a deterrent to others who might be tempted to be truant from school. In some of my past cases the judge determined that it was not the fault of the child but that of the parents. In either case it brings the situation to the attention of someone who has the power to do something about it.

It has been my experience that when students are habitually truant from school they end up getting into other trouble with the law when they should have been in school.

I urge passage of Senate Bill 88 so that schools again have an effective tool to see that children are in school attendance as they should be to become productive citizens.

Sincerely,

*Daniel D. Dunsing*  
Daniel D. Dunsing, Principal  
Blatchley Junior High School

DDD/11

cc: Senator Meland

Box 1732

Sitka, Alaska

February 15, 1979

Senator Hackney:

I would like to express my concern over the too frequent situation of children under the age of 16 years who attend school only sporadically and whose education is then severely limited. Many of these children begin having serious attendance problems in fifth or sixth grade - sometimes earlier. At this time the Court has been unwilling to give attention to this problem, even after unsuccessful efforts to work with the family.

I hope that Senate Bill # 88, presently in committee, will help by providing one more alternative in working with these students and their parents. Please support this bill.

Thank you

Susan White



# Gateway Borough School District

SCHOENBAR JUNIOR HIGH SCHOOL  
217 Schoenbar Road  
KETCHIKAN, ALASKA  
99901

CHARLES MARKSHEFFEL, Principal

February 27, 1979

Senator Glen Hackney, chairman  
Health Education and Social Services Committee  
Pouch V  
Juneau, Alaska 99811

Dear Senator Hackney:

This is to ask your support of Senate Bill 88.

Without teeth in a truancy law we will continue to lose students who at 13 and 14 years of age make their own decisions as to school attendance.

Thank you.

Sincerely,

C. Marksheffel

CC: Pete Meland

# GREATER SITKA BOROUGH SCHOOL DISTRICT

ACCREDITED BY THE NORTHWEST ASSOCIATION OF SECONDARY SCHOOLS & COLLEGES



P. O. BOX 179 SITKA, ALASKA 99835

NELAND J. HAAVIG  
SUPERINTENDENT

Etolin Street School  
February 7, 1979

Senator Glenn Hackney  
Chairman  
Health, Education, and Social Services Commission  
Pouch V  
Juneau, Alaska 99811

Dear Senator Hackney:

Ever since the "child in need of supervision" category was wiped off the books several years ago, there have been no teeth in the compulsory school attendance laws of this state. As an elementary school principal in Sitka, I have observed numerous occurrences of habitual absence from school on the part of young school-age children. In all of these cases there was neglect on the part of the parents of these children, in my opinion, and the state is doing nothing to correct this bad situation.

I go to a lot of effort to document cases, then turn the information over to Division of Family Services or to the State Division of Corrections. They try, in many cases, to help, by contacting the parents and talking to them. But there seems to be little they can do based on poor attendance at school, alone.

It is not my wish that the schools take over the affairs of parents. But when those parents violate the laws of the state by not seeing to it that their children get to school regularly, or when a parent cannot handle a child and the child will not go to school or do anything else his or her parents tell him to do, that child needs some kind of supervision.

I therefore support Senate Bill 88 and urge that your committee recommend it to the full Senate.

Very truly yours,

Ronald A. Rhodes  
(Principal)

RAR:dem  
Enclosure  
Copy to Senator Pete Meland

# STATE OF ALASKA

JAY S. HAMMOND  
GOVERNOR

## DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

POUCH F--ALASKA OFFICE BUILDING  
JUNEAU 99811

March 7, 1979

Senator H.D. Meland  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

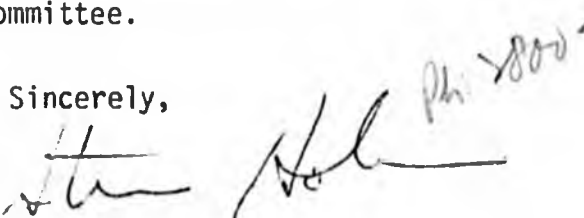
Dear Senator Meland:

Re: Our Telephone Conversation  
Concerning SB-88

After discussing your bill with some attorneys, it appears that enactment of the legislation proposed in the above referenced bill could facilitate the remediation of habitual truancy problems.

I would be willing to testify in favor of the bill should it come up for hearing in a legislative committee.

Sincerely,

  
Steve Hole  
Education Administrator

P. O. BOX 179 SITKA, ALASKA 99835

RELAND J. HAAVIG  
SUPERINTENDENT

December 15, 1978

Senator Pete Meland  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Pete,

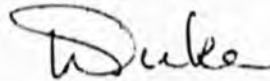
Time is rolling by and I wanted to make contact with you on the truancy matter one more time before the 1979 Legislature gets under way.

I asked Robert Schell, Baranof Elementary Principal, to bring the truancy subject up at the Alaska Elementary Principals' meeting this year. He reported back to me that he didn't have to as others had the same concern and brought up the subject. He assures me that there will be a letter coming from the Elementary Principals' Association supporting our proposed legislation. Perhaps you can advise us as to where such a letter should be directed and what other kinds of support would be helpful.

Also, enclosed is a letter from the school attorney outlining an interesting problem due to the new statutes.

Have a pleasant Holiday.

Sincerely,



Daniel D. Dunsing, Principal  
Blatchley Junior High School

DDD/11

Enclosure

LAW OFFICES OF  
FAULKNER, BANFIELD, DOOGAN & HOLMES  
SUITE 201, 311 FRANKLIN STREET  
JUNEAU, ALASKA 99801  
(907) 586-2210  
TELEX 099-48-338

NORMAN C. BANFIELD  
MICHAEL M. HOLMES  
RANDALL J. WEDDLE  
WILLIAM B. ROZELL  
LAWRENCE T. FEENEY

CHARLES N. DRENNAN  
TOM BATCHELOR  
ANTHONY M. SHOLTY  
JAMES R. WEBB  
JAMES N. REEVES

HERBERT L. FAULKNER (1882-1972)

FRANK M. DOOGAN (1923-1977)

ANCHORAGE OFFICE

ANCHORAGE OFFICE  
510 FIRST NATIONAL BANK BLDG.  
425 G STREET  
ANCHORAGE, ALASKA 99501  
(907) 274-0886  
TELEX 090 26-455

November 29, 1978

Neil Haavig, Superintendent  
Greater Sitka Borough School District  
P. O. Box 179  
Sitka, Alaska 99835

Dear Neil:

The California Supreme Court has recently handed down a decision of some importance to school districts. Since there is no Alaska case law directly on this point and since the Alaska Supreme Court often looks to the California Supreme Court as new law develops, this decision could have an impact on the potential liability of school districts in this state.

In Hoyem v. Manhattan Beach City School District, the ten year old plaintiff had left the school grounds, apparently without the knowledge of the administration, while classes were still in session. He was thereafter struck by a motorcycle at a public intersection and was seriously injured.

He sued the school district on the grounds that the accident was a proximate result of the school district's negligent supervision of him in failure to keep him on the school premises. The school district moved to dismiss the Complaint on the grounds that they could not be liable for his leaving the school premises contrary to regulations and a resulting accident which occurred off the school grounds.

The California Supreme Court ruled that the Complaint did state a claim against the district and that it was a jury question as to whether the district had been negligent in failing to properly supervise the plaintiff and whether the accident was a proximate result of that failure. The case has now been sent back for a jury trial on these issues.

November 29, 1978

Although this was a decision by a narrowly divided Court (4-3), it poses a potential expansion of district liability if it is to be followed in this state. It is particularly troubling since, given the recent amendments to the Children's Code which make truancy prosecutions exceedingly difficult if not impossible, districts will have their truancy procedures strictly scrutinized if they ever find themselves in a case such as this one. Although there may well be cause for frustration as to the effectiveness of procedures to restrict truancy problems, it would appear that just from the potential liability standpoint it is important that district personnel continue to advise parents of truancy problems and follow the other procedures which the district may specify in this regard.

Yours very truly,

Lawrence T. Feeney

LTF:am

*Handwritten:*  
TRUANCY  
FILE



*Superior Court*

*State of Alaska*

FIRST JUDICIAL DISTRICT  
JUNEAU COURT and OFFICE BUILDING  
POUCH V  
JUNEAU, ALASKA

99811

May 9, 1978

CHAMBERS OF  
THOMAS B. STEWART, JUDGE

The Honorable H. D. "Pete" Meland  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Pete:

This is in response to your letter of May 3, 1978, asking my comments on Senate Bill 490, concerning truant children. At the outset I should note that whatever is said in this letter constitutes only my own views and does not in any way reflect the views of any other judges or of the court system at large. I cannot speak officially on behalf of the court system concerning any legislation.

Among the materials you forwarded was a memorandum from Joseph A. Guthrie of the Legislative Affairs Agency which purports to state that I have refused to exercise any jurisdiction at all over truants. This is not a correct statement, and I do not know where Mr. Guthrie may have obtained it. In fact, no one has sought to charge a minor before me as a delinquent because of truancy, and accordingly I have never had any occasion to rule on the question judicially. It is possible his comment came at second or third hand because of some discussions in which I and other judges informally raised questions about the meaning of various provisions of the children's code as substantially amended in 1977.

It seems apparent from those revisions of last year that the major effort at revision of the juvenile code, which was largely sponsored by an active group in Anchorage, included an intent to take truant children, and others who were not delinquent in the sense

May 9, 1978

of violating criminal laws, completely out of treatment by the juvenile justice system. In other words the intent appeared to be to have problems such as truancy, alcoholism and other matters handled by agencies not connected with the police, district attorneys, or courts. This is a view that has affected the juvenile laws in many states throughout the nation in recent years. Without commenting on the overall merits of this view, I would at least express concern that this removal of so-called "status offenders" from the justice system leaves a void, unless some other societal agencies are prepared to address the problems and needs of these minors in some meaningful way. Many hold the view, for example, that truancy is a matter that should be handled within the confines of the school system and their relationships with parents, and this view seemed to be reflected in the amendments to the juvenile code that were adopted last year. You may be able to confirm this in more detail, if you wish, by contacting Andrew Brown, the attorney who prepared the language at the behest of the group which sponsored the amendments. Another person knowledgeable in this area would be Betsy McGuire, who was executive director of the office of child advocacy (since abolished) that coordinated the efforts.

Senate Bill 490 as drafted would of course make clear that truancy is a matter that should be handled through the courts, and the language proposed would seem to be fully sufficient for that purpose.

With respect to the amendment that suggests some changes in AS 14.30.045 and .030, it appears that this language would broaden the utility of the compulsory school attendance law to enable prosecution, or the threat of prosecution, of parents who are not responding when their children are truant. I am in general inclined to view that this statute is addressed to parents and is not a suitable vehicle for finding a child delinquent. Again, however, this is a view not determined from any case brought against a child to find him or her delinquent as a result of truancy. Accordingly, I would not want any statements made here to suggest the position I might take in a case where that issue is appropriately argued and submitted for judicial treatment. I am generally in accord with the views expressed to you by others that intent to violate the statute must be found before a conviction could occur, and this complicates the enforcement of these provisions of the law. The language offered would appear to be suitable to accomplish the purpose apparently intended.

The Honorable H. D. "Pete" Meland

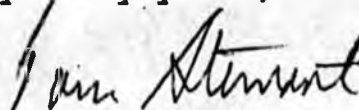
-3-

May 9, 1978

Please let me know if I can be of any further assistance on this subject, which I would be glad to discuss with you informally if you wish to call.

With personal regards,

Very truly yours,

A handwritten signature in cursive script that reads "Tom Stewart". The signature is written in dark ink and is positioned above the typed name.

Thomas B. Stewart  
Presiding Judge


STATE OF ALASKA  
THE LEGISLATURE

POUCH Y. STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 3, 1978

SUBJECT: Court Jurisdiction over Truant Children (W.O. 4818)  
TO: Senator H.D. Meland  
FROM: Joseph A. Guthrie, Legislative Counsel 

Mr. Dunsing's problem arises from a legal dispute over the coverage of AS 47.10.010(a), following its amendment last year by sec. 32, ch. 63, SLA 1977. AS 47.10.010(a) lists those acts committed by children, or situations in which children may find themselves, which if established by proof, give the court "jurisdiction" over a minor child. In this context, jurisdiction refers to a legal relationship between the court and the child whereby the court has the power to impose any of the number of dispositions (e.g. institutionalization, probation, termination of parental rights) on a child found to be under the court's jurisdiction.

Prior to last year's amendment, AS 47.10.010 provided that a court could exercise jurisdiction where a child was proven to be "habitually truant." That phrase was removed by sec. 32, ch. 63, SLA 1977.

The legal dispute is over whether a court can still exercise jurisdiction over a truant. The district attorneys and Judge Craske say that jurisdiction can still be exercised by finding a child to have violated AS 14.30.010 and AS 14.30.020 (the compulsory school law) and thus by virtue of those violations of laws, a delinquent under AS 47.10.010(a)(1). Judge Stewart, on the other hand, argues that the intent of the legislature in enacting sec. 32, ch. 63, SLA 1977 would be violated in finding a truant delinquent and therefore refuses to exercise any jurisdiction at all over truants.

Senator H. D. Meland  
February 3, 1978  
Page 2

This ambiguity could be solved by adding the words "habitually truant from school" to AS 47.10.010(a)(2)(A), thereby making it read:

Sec. 47.10.010. JURISDICTION. (a) Proceedings relating to a minor under 18 years of age residing or found in the state are governed by this chapter, except as otherwise provided in this chapter, when the court finds the minor

(2) to be a child in need of aid as a result of

(A) the child being habitually absent from his home, habitually truant from his school, or refusing to accept available care, or having no parent, guardian, custodian, or relative caring or willing to care for him, including physical abandonment by...

Please let me know what you want to do.

JAG:hjd

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF LAW

CRIMINAL DIVISION

POUCH KC - STATE CAPITOL  
JUNEAU, ALASKA 99811

June 5, 1978

The Honorable H. D. "Pete" Meland  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Re: Senate Bill 490

Dear Senator Meland:

Your letter of May 3, 1978, to Juneau District Attorney Larry Weeks concerning the problem of children truant from school has been referred to my office for response. Please accept my apologies for the delay but we have been tied up until just the other day in work with Senate Judiciary on the proposed revision to the criminal code.

As I understand it, what you wish to accomplish through the referenced legislation is to permit the superior court to become involved in serious truancy matters without the necessity of proving that a crime under AS 14.30.090-.040 (the compulsory education provisions) has been committed.

Your question is whether the bill as originally introduced or the proposed amendment attached to your letter would adequately address the issue. It is our opinion that the better approach is embodied in the original version of SB 490.

The original version of the bill directly and concisely clarifies the jurisdictional question concerning habitual truants and would clearly permit court intervention without resorting to criminal proceedings and attaching the stigma of delinquency to the child. An habitually truant child would be deemed as a "child in need of aid" under AS 47.10.010(1)(2) and would be treated in a similar manner as the other statutory categories of runaway and abandoned children.

The Honorable H. D. "Pete" Meland  
Page 2  
June 5, 1978

The proposed amendment attached to your letter would accomplish two things unrelated to the goal of the original version of the bill. First, section 1 of the amendment would permit an habitually truant child to be suspended from school. It is our imprssion from the supporting materials attached to your letter that the desired result is to require children to attend school and not to prohibit them from doing so. Second, section 2 of the amendment merely makes specific what has always been apparent from the face of the statute, that parents and guardians may be criminally charged with a violation of the compulsory education law.

I trust that we have been responsive to your inquiry. If you have any further questions, please do not hesitate to let us know.

Very truly yours,

AVRUM M. GROSS  
ATTORNEY GENERAL

By: *Daniel W. Hickey*  
Daniel W. Hickey  
Chief Prosecutor

DWH/mt.

SB

89

Introduced 1-31-79  
Logged 1-31-79  
Referrals Forwarded  
Comm. meeting - 3-7-79 - held  
Comm. letter

SB 89 S. HESS ~~Art 18-80~~ <sup>Contract requiring competitive</sup>  
By: Kerttula <sup>bidding on school transportation</sup>  
Contract

noted: Kerttula  
Bob Green  
Janice Kote

**Sec. 37.05.220. Purchasing agent.** The Department of Administration is the purchasing agent for the state. The department shall

- (1) purchase, rent, or otherwise provide for the furnishing of supplies, materials, equipment, or contractual services for all state agencies;
- (2) have power to authorize an agency to purchase directly certain specified supplies, materials, equipment, or contractual services under conditions and procedures prescribed in § 230 of this chapter;
- (3) prescribe the manner in which supplies, materials, and equipment shall be purchased, delivered, stored, and distributed;
- (4) prescribe the time, manner, authentication, and form of making acquisitions for supplies, materials, equipment, and contractual services;
- (5) fix standards of quality and quantity and develop standard specifications after consultation with the several state agencies, and approve or determine final specifications;
- (6) have power to transfer to or between agencies or to sell or trade to supplier, materials, and equipment of agencies which are surplus, obsolete, or unused; and the department shall make proper adjustments in the accounts of the agencies concerned;
- (7) prescribe the manner of inspecting deliveries of supplies, materials, and equipment and of making tests of samples submitted with bids and samples of deliveries to determine compliance with specifications;
- (8) prescribe standard forms for bids and contracts for construction, purchases of supplies, and other purposes, which bids and contracts may contain provisions which the department considers necessary; but all contracts for construction shall require the filing of an acceptable performance bond and a penalty provision for failure to perform the contract according to its terms;
- (9) provide for other matters which may be necessary to carry out the provisions of this chapter and the rules and regulations adopted under it. (§ 1 art IV ch 82 SLA 1955; am §§ 6, 7 ch 186 SLA 1957; am § 1 ch 55 SLA 1960)

Am. Jur. and C.J.S. references. — 42  
 Am. Jur., Public Funds, § 1 et seq.  
 81 C.J.S. States §§ 168 to 176.

**Sec. 37.05.230. Competitive bids.** In the manner provided in this chapter and rules and regulations established under it

- (1) a contract for construction and repairs, or a purchase of and contract for supplies, materials, equipment, and contractual services must be based on competitive bids; an award shall be made to the lowest responsible bidder after advertising for bids, except that (A) Repealed by § 2 ch 92 SLA 1967; (B) a bid shall be awarded to an Alaska bidder if his bid is not more than five per cent higher than the lowest nonresident bidder's; and (C) competitive bids need not be required (i)

for contractual services where no competition exists; (ii) for sales involving fair trade items; (iii) when, in the judgment of the purchasing agent, food, clothing, or medical supplies, or materials for use in laboratory and experimental studies may be purchased otherwise to the best advantage of the state; (iv) where rates are fixed by law or ordinance; (v) for items traded in on like items; or (vi) for professional services;

(2) if the amount of the contractual services, purchase, or sale is estimated to exceed \$2,500 sealed bids shall be solicited, when practicable, by publication in a newspaper calculated to reach prospective bidders and by posting notices in public places within the area where the work is to be performed or material furnished and in addition the department may also designate a trade journal for publication; the department shall also solicit bids by sending notices by mail to all active prospective bidders known to it and all bids shall be sealed when received, and shall be opened in public at the hour stated in the notice; the department may negotiate directly if it finds that it is in the best interests of the state;

(3) a contractual service, purchase, or sale where the known requirements are estimated to be less than \$2,500 may be made either upon competitive bids in accordance with (2) of this section or in the open market, in the discretion of the department; but, so far as practicable, shall be based on at least three competitive bids and recorded as provided in § 240 of this chapter; small purchases of less than \$300 in the discretion of the department may be made on the open market, and may be by cash payment from petty cash accounts set aside for that purpose. the department shall determine the amount of the petty cash accounts needed by each state agency, and inspect the petty cash accounts at least once each year to determine that the total plus amounts of receipts for unreplenished disbursements is equal to the fixed sum of cash set aside. shortages in petty cash accounts are a personal liability of the responsible head of the agency to whom the account is set aside; the department shall make all necessary rules and regulations governing use and replenishment of petty cash funds;

\* (4) the provisions of this section relative to competitive bids do not apply to contracts for the operation of transportation systems for students to and from the schools within the state, as are authorized under AS 14.10.070; and these contracts may be awarded by bid or negotiation and, at the discretion of the Board of Education, may be awarded for periods of three years or less;

(5) an "Alaska bidder," for the purpose of bid awards under (1) (2) of this section, is a person who

(A) holds a current Alaska business license,

(B) submits a bid for goods or services under the name as appeared on his current Alaska business license,

(C) has maintained a place of business within six months immediately preceding the date of (6) the competitive bid requirements of this section for air taxi services used by state employees when executed; the department affected shall pay the tariff rates as published by him with the Air Tariff for the type of aircraft required; the tariffs throughout the state and may reflect the diverse areas of the state; the air taxi service used in each case by the state employee who is to fly in the aircraft or state employee is flying in the aircraft by the employee cases the air taxi operator shall have complied with 02.05.260 and other prequalifying regulation department.

(7) the provisions of this section relative to an apply to contracts estimated to exceed \$5,000, of of Transportation and Public Facilities, which a 35.15, or the Department of Highways, which a 19.10.

(8) the provisions of this section relative to apply to the purchase of products or services made by a sheltered workshop. (§ 3 art IV ch 82 SL 23 ch 186 SLA 1957; am § 1 ch 77 SLA 1959; am § 1 ch 82 SLA 1964; am §§ 1, 2 ch 92 SLA 1970; am § 1 ch 92 SLA 1975; am §§ 1, 2 ch 19

Cross reference. — As to preference of producers or dealers in Alaska in making purchases or awarding contracts for supplies; see AS 36.20.010.

Effect of amendments. — The first 1975 amendment added paragraph (8).

The second 1975 amendment substituted "\$2,500" for "\$1,000" near the beginning of paragraphs (2) and (3) and substituted "\$300" for "\$100" near the middle of paragraph (3).

Editor's note. — AS 14.10.070, referred to in paragraph (4), was repealed by § 59, ch. 98, SLA 1986.

Pursuant to Executive Order No. 39 (1977), the reference to the Department of Transportation and Public Facilities has been substituted for a reference to the Department of Public Works in paragraph (7).

Legislative committee reports. — For report on 1962 amendment, see 1962 House Journal, pages 591, 592. For report on ch. 194, SLA 1975 (SB 279 am), see 1975 House Journal, p. 1541.

The purpose of this chapter was not only to protect the state and the public purse

from uneconomical failure to re because of po to insure tha a certain am with the competing contracts. 18

Preparation prerequisite of the at preparation to the secret prequalifica prerequisite projects, see

And filling the attorney pertaining contractors construction Gen., No. 2'

Publicatn bidding and same catch

Bids req franchise.

(6) has maintained a place of business within the state for a period of six months immediately preceding the date of his bid.

(5) the competitive bid requirements of this section do not apply to air taxi services used by state employees when no formal contract is executed; the department affected shall pay the air taxi operator the tariff rates as published by him with the Air Transportation Commission for the type of aircraft required; the tariffs need not be uniform throughout the state and may reflect the diverse conditions of various areas of the state; the air taxi service used in each case shall be selected by the state employee who is to fly in the aircraft, or if more than one state employee is flying in the aircraft by the employee in charge; in all cases the air taxi operator shall have complied with AS 02.05.010 — 02.05.260 and other prequalifying regulations established by the department.

(7) the provisions of this section relative to an "Alaska bidder" do not apply to contracts estimated to exceed \$5,000, of either the Department of Transportation and Public Facilities, which are authorized under AS 15.15, or the Department of Highways, which are authorized under AS 19.10.

(8) the provisions of this section relative to competitive bids do not apply to the purchase of products or services manufactured or provided by a sheltered workshop. (§ 3 art IV ch 82 SLA 1955; am §§ 8 — 10, 23 ch 186 SLA 1957; am § 1 ch 77 SLA 1959; am § 1 ch 158 SLA 1962; am § 1 ch 82 SLA 1964; am §§ 1, 2 ch 92 SLA 1967; am § 1 ch 61 SLA 1970; am § 1 ch 92 SLA 1975; am §§ 1, 2 ch 194 SLA 1975)

Cross reference. — As to preference of producers or dealers in Alaska in making purchases or awarding contracts for supplies, see AS 36.20.010.

Effect of amendments. — The first 1975 amendment added paragraph (8).

The second 1975 amendment substituted "\$2,500" for "\$1,000" near the beginning of paragraphs (2) and (3) and substituted "\$300" for "\$100" near the middle of paragraph (3).

Editor's note. — AS 14.10.070, referred to in paragraph (4), was repealed by § 59, ch 28, SLA 1966.

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Legislative committee reports. — For report on 1962 amendment, see 1962 House Journal, pages 591, 592. For report on ch. 194, SLA 1975 (SB 279 am), see 1975 House Journal, p. 1541.

The purpose of this chapter was not only to protect the state and the public purse

from uneconomic contracts let because of failure to request competitive bids and because of possible favoritism, but was also to insure that contractors would be insured a certain amount of "fair play" in dealing with the state government and in competing with one another for state contracts. 1959 Op. Att'y Gen., No. 27.

Preparation of regulations as prerequisite for bidding. — For an opinion of the attorney general as to the preparation of regulations to be submitted to the secretary of state pertaining to the prequalification of contractors as a prerequisite for bidding on construction projects, see 1959 Op. Att'y Gen., No. 27.

And filing thereof. — For an opinion of the attorney general as to filing regulations pertaining to the prequalification of contractors as a prerequisite for bidding on construction projects, see 1959 Op. Att'y Gen., No. 27.

Publication of regulations concerning bidding and letting of contracts. — See same catchline in note to AS 37.05.020.

Bids required for exclusive lease or franchise. — The state cannot grant an

06

BS

COMMITTEE REPORT  
SENATE

FURTHER: Finance

1/31/79

Date: Feb. 21, 1979

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 90  
supplemental appropriation to University of Alaska for acquisition of library books

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without <sup>INDIVIDUAL</sup> recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]

Betty Sabuntary

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature] - NONE

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Signature]  
CHAIRMAN  
DO PAS S



48 214  
SJR 14

MEMORANDUM

TO: Senator Hackney  
FROM: Garrey Peska *GMP*  
DATE: February 27, 1979  
RE: SUPPORT FOR S.B. 90

	<u>Total Appropriated</u>	<u>Amount Vetoed</u>	<u>Amount Left</u>
Fairbanks Campus	\$ 300,000	\$ 200,000	\$100,000
Anchorage Campus	\$1,500,000	\$1,000,000	\$500,000
Juneau Campus	\$ 38,400	\$ 38,400	-0-
Total	<u>\$1,838,400</u>	<u>\$1,238,400</u>	<u>\$600,000</u>

SB 90

Sen. Hackney. SB 90 proposes to equalize somewhat the library appropriation for the University of Alaska. The library appropriation as it went through last year was an interesting animal. There was a decision made in the wisdom of the legislative bodies that the funding for the U of A for books would be put in under a capital budget instead of under operations. The governor saw that figure coming by the desk of there when squeeze time came and he squeezed it to the tune of near a million dollars.

It hurt the campus in Fairbanks so badly that they literally were unable to renew their magazine subscription. They did manage to do that much of it out of the governor's contingency fund of \$30,000. You'll notice there are three figures in here: \$150,000 for Fairbanks, \$40,000 for Juneau and \$10,000 for Kenai. Anchorage is not included in here and there is a very good reason for that. Their funding did get cut but they came out smelling like a rose compared to the rest of the campuses. They came out with a half million dollars last year due to the manner in which the governor vetoed that bill. He divied it up in an entirely different manner so that Anchorage came out of it with about half a million out of a total appropriation of a million and a half. The million and a half was the amount that went in under the capital budget last year.

The million and a half was the total appropriation. When the governor whacked that . . .

Books were a \$1,500,000, the governor vetoed a million of that, 500,000 went to Anchorage and nothing went to the other campuses.

Sen. Fahrenkamp. The only thing Fairbanks got was the appropriation of \$30,000 from the governor's contingency fund to continue subscriptions.

Sen. Hackney. There were some students who were down here and talked to me specifically about the Juneau campus and Kenai campus. The community college in Kenai were actually sharing books in some of the courses that were presented at that community college this year. It was that bad down there. The Juneau campus was in really tough shape because they got nothing last year either for books. The students who were in here from Juneau said that \$40,000 would at least give them a start. That's the reason this bill was structured in that manner. If there isn't objection to the numbers, I would like to move this on to the Finance Committee.

Sen. Fahrenkamp. We are doing everything we can do, we are allowing credits, we're trying in every way we can to get students to attend school within the University, especially in courses that are offered. But if you don't have the necessary

library facilities, no matter what course you are taking you are handicapped. I for one would like to see this moved through.

Sen. Sturgulewski. The only concern I would have on this is that there are probably other schools where this has hit and perhaps we haven't heard of them.

Sen. Hackney. The governor really got some bad advise from his staff last year. That's the only thing that we can figure out. He apparently thought there was money in the regular budget in addition to the million and a half. He felt that by whacking a million and a half down to \$500,000 in addition to what was in there he was doing a good thing.

Sen. Ferguson. There are some other community colleges that didn't get any bucks either. Northwest, the one in Nome has a problem, there are a number of them.

I'll try and get the figures and let you (Sen. Hackney) have them in Finance.

Sen. Sturgulewski moved the bill out with individual recs.

UNIVERSITY OF ALASKA

LIBRARY AND MEDIA SERVICES

FOUR-YEAR CAMPUSES

FY 1978

Library statistics used in this study reflect the programs of all library and media services facilities on each campus. They are the statistics reported by each director for inclusion in the Annual Statistical Report, University of Alaska Libraries, published by the Rasmuson Library of the Fairbanks Campus. Statistics are for FY 1978, the most recently completed year. Enrollment count is as of the Spring Semester 1978 and the volume count is as of June 30, 1978.

Library and Media Expenditure  
For Each F.T.E. Student Enrolled

Fairbanks . . . . .	\$715
Juneau . . . . .	395
Anchorage . . . . .	299*

Volume Ratios: Volumes Owned  
Per F.T.E. Student Enrolled

Fairbanks . . . . .	152
Juneau . . . . .	62
Anchorage . . . . .	44*

Staff Ratios: Library and Media  
Professionals to Students

Fairbanks . . . . .	1:136
Juneau . . . . .	1:201
Anchorage . . . . .	1:354*

\*Includes resources of Alaska Health Sciences Library

UNIVERSITY OF ALASKA, ANCHORAGE

LIBRARY STUDY  
(Excluding Media)

Table 1, Volumes Owned. The study shows the number of volumes per full-time equivalent student in the University of Alaska, Anchorage Library compared with seven publicly-supported Northwest university libraries. Statistics for libraries outside Alaska are for the year ending June 30, 1977. Statistics for Alaska campuses are as of June 30, 1978, and enrollment statistics for Alaska campuses are as of the Spring Semester 1978.

Volumes Owned Per F.T.E. Student:

1. University of Alaska, Fairbanks Libraries . . . . .	152
2. University of Nevada, Reno . . . . .	84
3. Washington State University, Pullman . . . . .	65
4. University of Idaho, Moscow . . . . .	59
5. University of Washington, Seattle . . . . .	56
6. Oregon State University, Corvallis . . . . .	50
7. <u>University of Alaska, Anchorage</u> . . . . .	44*
8. Montana State University, Bozeman . . . . .	37

Mean number of volumes per F.T.E. student: 68

Table 2, Library Staff (Excluding Media). Number of full-time equivalent students served by each full-time equivalent professional librarian in the University of Alaska, Anchorage Library, compared with seven publicly-supported Northwest universities (excluding media services). Statistics for Library staff on Alaska campuses are those reported by each director for inclusion in the Annual Statistical Report, University of Alaska Libraries, published by the Rasmuson Library of the Fairbanks Campus. Enrollments for Alaska campuses are as of the Spring Semester 1978. Statistics for campuses outside Alaska are those reported to the U.S. Office of Education for 1977, the latest data available in Alaska.

Professional Staff:

1. University of Alaska, Fairbanks Libraries . . . . .	195
2. Washington State University, Pullman . . . . .	284
3. University of Nevada, Reno . . . . .	334
4. University of Washington, Seattle . . . . .	355
5. University of Idaho, Moscow . . . . .	400
6. Oregon State University, Corvallis . . . . .	499
7. <u>University of Alaska, Anchorage</u> . . . . .	472*
8. Montana State University, Bozeman . . . . .	579

Mean number of F.T.E. students served by each  
full-time professional librarian: 390

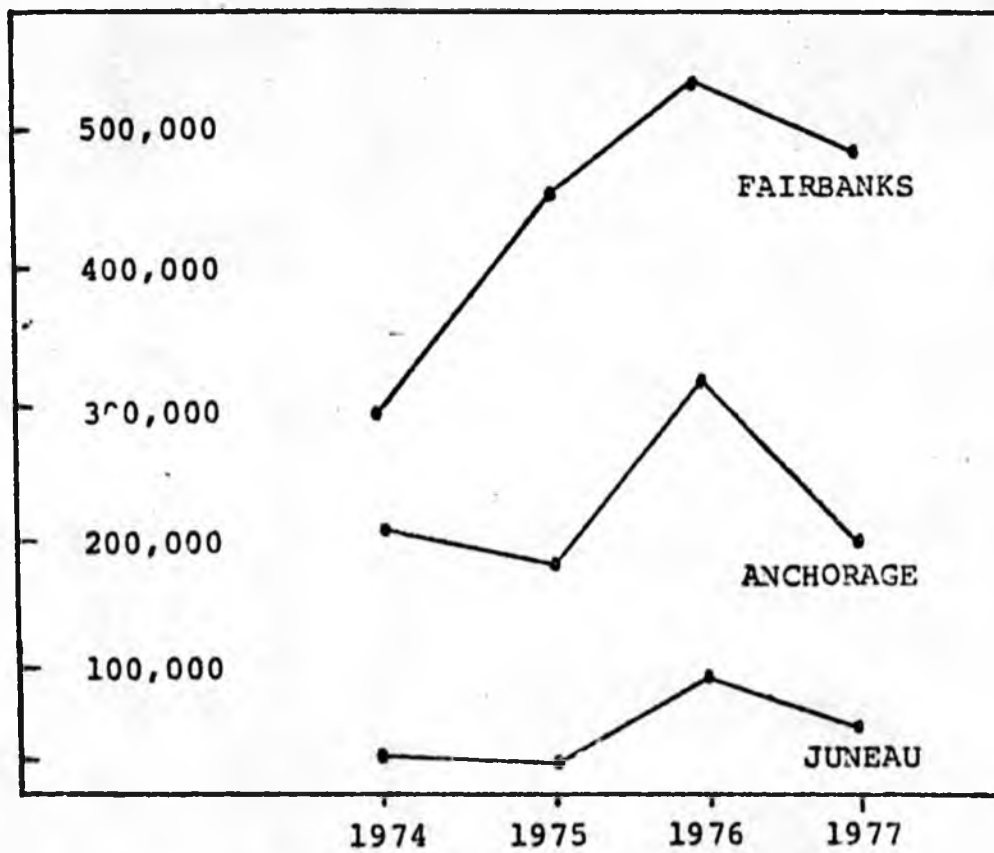
\*Includes resources of Alaska Health Sciences Library

Special Legislative Appropriations to UAA Library and Media Services, 1977-1979

<u>Year and Item</u>	<u>Amount Appropriated</u>	<u>Vetoed by</u>	<u>Amount Vetoed</u>	<u>Amount Remaining</u>
1977				
Establishment of MSS Dept. (Pipeline Papers)	\$ 100,000	Governor advised by U of A President	\$ 100,000	-0-
Library Equipment	50,000		50,000	-0-
Media Equipment	250,000		200,000	\$ 50,000
1978				
Books	250,000	Governor	175,000	75,000
Library Equipment	50,000		50,000	-0-
Media Equipment	250,000		250,000	-0-
1979				
Books	1,500,000	Governor with advice of U of A Financial Vice President in memo form	1,000,000	500,000
Media Equipment	200,000		50,000	150,000
<b>TOTALS</b>	<b>\$2,650,000</b>		<b>\$1,875,000</b>	<b>\$ 775,000</b>

UNIVERSITY OF ALASKA  
FOUR-YEAR CAMPUS LIBRARIES

Comparative Expenditures for Books, Microfilm and Binding  
1974 - 1977



Kenai 414 FTE

SB

124

COMMITTEE REPORT  
SENATE

FURTHER: Finance

2/8/79

Date:

3/9/79

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 124 relating to general relief assistance

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation *INDIVIDUAL*
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*Nettie Fabiankamp No Rec*

*Mike Colletta No Rec*

*Artis Sturgis*

*Meds substantial amendment*

\_\_\_\_\_

\_\_\_\_\_

*Glenn Hoberg*  
CHAIRMAN  
DO PASS IF AMENDED

SB 124 "Cabinet planning to <sup>S. HESS 79-80</sup> provide relief assistance and providing for an effective date."

By Tilline

Introduced 2-8-79

Logged 2-8-79

Referred Finance

Comm. meeting 3-9-79

" action (2) no rec. (2) passed amended - taken House May @ 8:30 AM. 3-12-79

COLLETTA  
FABENKAMP

HARKNEY  
STURBUICKSKI

~~Open report~~  
HESS

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC ASSISTANCE

POUCH H-07 - JUNEAU 99811

March 14, 1979

The Honorable Glenn Hackney  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Hackney:

During departmental testimony of Senate Bill 124 you requested that the Division of Public Assistance develop a public service employment (PSE) program which could be inserted into the state's General Relief Program.

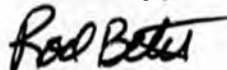
Attached please find an addendum to our initial position paper of Senate Bill 124 describing such a PSE program and related costs.

We have considered this proposal very carefully and feel it reflects a reasonable approach to the work issue. Admittedly we have very little experience in the administration of a work placement program, but this proposal and our cost estimates reflect our understanding of what the PSE program would entail as well as what it would cost.

I hope this is of some value to your committee's efforts to resolve the work issues raised in Senate Bill 124.

Please let me know if I may be of any further assistance.

Sincerely,

  
Rod Betit  
Director

RB:as

Attachment

ADDENDUM TO  
POSITION PAPER  
ON  
SENATE BILL 124

The Division of Public Assistance, Department of Health & Social Services shall have the responsibility for the administration of the Public Service Employment program. General provisions of this program shall include:

(1) DESIGNATION OF PSE PARTICIPANTS:

All able-bodied recipients shall be required to meet the requirements of the PSE program unless exempted under one of the following provisions:

- (a) persons physically or mentally disabled
- (b) minor children living in the home of the recipient
- (c) persons age 60 years of age or older
- (d) persons who have the primary responsibility or the care of a minor child or other disabled person.

(2) WORK REQUIREMENTS:

(a) If unemployed for reasons other than voluntary separation without good cause or separation for misconduct within the prior 90 days, the individual shall register for work both in the PSE project and through the Department of Labor ES registration process.

(b) Each individual in (a) above must actively seek gainful employment and or not refuse to accept employment when offered.

(c) If entitled to UI benefits must apply for and exhaust all of those benefits. If the amount of those UI benefits are less than the specific need for which the applicant is applying, supplemental assistance may be granted to meet that need providing that the amount of assistance does not exceed the maximum amount of \$80 per person per month and providing UI income is within GR standards.

(3) DISQUALIFICATION PERIODS:

(a) Applicants or recipients who refuse or fail to comply with any of the requirements or conditions of the GR program shall be disqualified or denied assistance. The disqualification or denial of one member of the household shall exclude the entire assistance unit from the program.

(b) Disqualification Periods - Non-compliance of the GR work requirements will result in disqualification and exclusion from the program for a period of 6 months. These six month disqualification periods shall include:

1. Quitting a job without good cause
2. Being fired from a job for misconduct
3. Refusing or failing to exhaust UI benefits or any other prior resource available to the individual.
4. Refusing an offer of bonafide employment.
5. Refusing to participate in the PSE program.

At the end of the disqualification period the individual must reapply and satisfy all requirements in order to receive GR benefits.

(4) AVAILABILITY OF WORK PROJECTS:

During period of time when the PSE bank does not have enough projects to assign all recipients to a project, the recipient shall be required to report to the PSE Coordinator and be available for assignment for a thirty day period. At the end of the thirty day period, if the recipient has not been assigned to a project, he will have met his work assignment requirement.

(5) JOB OFFER WHILE PARTICIPATING IN PSE:

If an individual is engaged in a PSE project and is notified that he has a bonafied offer of employment the offer of employment will have presedence over the work project and no penalty for noncompletion of the PSE project will be enforced.

(6) ABSENCE FROM PSE ASSIGNMENT:

If an individual fails to complete or appear for the PSE project, the individual shall be given an opportunity to complete the project, without penalty, providing that the days missed are completed within seven days from the first infraction. Days missed shall include all excused or unexcused absentees. Failure to make up the day(s) missed for unexcused absences shall result in disqualification from future eligibility to the program for a period of six months.

(7) WORK PROJECTS:

The following criteria shall be considered in establishing PSE projects:

1. Provide jobs which, to the extent possible, utilizes, nurtures and sustains the productive capacities of the individual.
2. Accomplishes work which, otherwise may not be undertaken due to the absence of regular positions and or funds.
3. Is of a nature which entails little or no expense to the State.



STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

February 7, 1979

MEMORANDUM

SUBJECT: Workfare in Hawaii and Alaska (W.O. #6173)

TO: The Honorable Clem Tillion

FROM: Sharman Haley  
Policy Analyst 

In conjunction with your request for draft legislation modeled after Hawaii's General Assistance and work program, we have done some preliminary analysis as to the impact this sort of program modification might have in Alaska.

Eligibility

The State of Hawaii chose to restrict eligibility for its General Assistance program to eliminate aid to able-bodied childless people between the ages of 18 and 55. There is no data readily available regarding what percentage of Alaska's General Relief (GR) recipients fall into precisely this category; however a year ago it was estimated that approximately 25% of Alaska's GR recipients are employable singles without children. We therefore might anticipate approximately a one-fourth reduction in the General Relief rolls if such a restriction was adopted in Alaska.

Last year's GR appropriation included legislative intent that the department adopt regulations excluding childless employable singles and childless couples of which one member is employable from GR eligibility. These regulations have been drafted and circulated for public comment. Alaska legal services has challenged the department's authority to restrict eligibility without statutory authorization, and so the department is waiting for an attorney general's opinion prior to adopting and implementing these regulations. The program is still aiding all needy persons.

The portion of the Hawaii law requiring evidence from a physician that a person is disabled or unable to work may be problematic in Alaska. A physical exam in this state often costs more than the \$80 maximum GRA grant. Furthermore, in many areas of the state there is a shortage of physicians. It is precisely in these areas that temporary and permanent disabilities are frequent.

TO: SENATE HESS COMMITTEE - SENATOR HACKNEY  
FROM: CHRIS BEARDSLEY, 1412 ANNAPOLIS, ANCHORAGE, AK  
279-7151

PLEASE PASS SB124. THIS BILL IS LONG OVER-DUE. A FAIR DAY'S WORK  
FOR A FAIR DAY'S PAY. EOM

### Job Search

Hawaii's General Assistance program requires that every able-bodied recipient engage in active job search. They must visit at least three employers each week, and as verification the employer must sign a card stating that he or she was contacted and no job was available. In small communities with few employers, the employers become very irritated with the weekly requests for signatures when there is little likelihood that there will be a job opening in the near future. This would be a problem in rural areas of Alaska as well. The Alaska Unemployment Insurance Benefits Program has long dealt with these problems and has essentially exempted people in remote areas from job search requirements which would be unreasonable in their situation.

### Temporary Work Assignments

The Hawaii General Assistance program provides eligible single people a maximum grant of \$122 per month, plus a maximum housing allowance of \$175 per month. Family units receive more aid. This monthly assistance continues as long as the person remains eligible. Able-bodied recipients must register for and accept a temporary work assignment in which they work off the value of their grant. The number of hours of work required is determined by dividing the total grant by the minimum wage. Clients with a work requirement of less than one day (a grant less than \$21) are exempted from work. A single able-bodied recipient receiving a maximum grant of \$297 would be required to work more than 100 hours each month.

Alaska's General Relief program as it is currently administered is an emergency aid program in which the client must apply and demonstrate a specific need. Aid may be granted up to a maximum amount of \$80 per person for one month, usually in the form of a vendor payment for rent or another essential item. General Relief Assistance is not normally on-going from month to month, though the client may reapply each month. Using Hawaii's temporary work assignment formula, an able-bodied Alaska recipient receiving a maximum grant would be required to work about 25 hours each month, or one-quarter of the hours of work under Hawaii's program.

### Public Work Projects

The temporary work assignments under Hawaii's General Assistance program are coordinated at the county level. Each client is personally interviewed in order to match the client's skills and ability with an available work project. Projects are established in schools, offices, parks, and highway crews. Each recipient works under the supervision of a regular public employee. Most clients can be placed without difficulty.

but the few who cannot be placed immediately are placed in a pending file, and not penalized. Clients are encouraged to seek their own work projects. In many rural areas of Alaska, it may be prohibitively expensive to arrange face to face interviews with clients or unfeasible to arrange supervision public work projects as is done in Hawaii.

#### Job Barriers

Hawaii does not provide day care assistance or transportation to clients on temporary work assignments. These are the responsibility of the clients. Clients are provided up to \$33 per month in addition to their welfare assistance to cover work related expenses. Since the large majority of Hawaii's clients are single and over 55, and most others are two parent families in which only one parent is required to work, child care is not a particular problem. The same would presumably be true for Alaska if similar eligibility restrictions were imposed. However, transportation may be a major problem in many areas of Alaska which are either remote, or not adequately served by public transportation.

#### Conclusions

It is likely that some clients in remote areas of Alaska would have to be exempted from work requirements if this legislation were enacted. The work program might be feasible in urban areas of the state, but even there the overhead of administering the program may not be worth the relatively few hours of work required of the average recipient. Restricting eligibility however appears to be a relatively simple mechanism for reducing General Relief expenditures.

It should also be noted that any modification of eligibility requirements or imposition of work requirements in General Relief Assistance would also apply to the General Relief-Medical (GRM) program, as the statute is currently constructed. Thus, the attached bill would eliminate able-bodied childless people between the ages of 18 and 54 from eligibility for General Relief-Medical assistance, and would impose work requirements on able-bodied recipients of medical assistance. Medical bills can be very high and the number of hours of work required of a GRM recipient could amount to months, or even years.

SH:dh

## POSITION PAPER

ON

SENATE BILL NO. 124

For an Act entitled: "An Act relating to general relief assistance; and providing for an effective date."

I. Historical Perspective

The issue of whether single employables and childless couples should receive General Relief assistance was first explored during the 1978 Legislative Session. This was precipitated by an increasing expenditure level in GR and expectation that it would continue into FY79 and FY80. While this issue was being considered by the Legislature, DHSS was moving to finalize new state regulations redefining "need" under the GR Program.

In March 1978 DHSS' new regulations became final. These new regulations did not delete single employables and childless couples. Rather, the regulations continued the GR Program's broad coverage but required that the applicant's need be immediate and desperate. If rent assistance was sought, an eviction notice had to be produced. If utilities were at issue, a shutoff notice was necessary before aid could be granted. The financial effect of this change in the GR Program was not clear at the time the 1978 session ended. Consequently, the FY79 GR appropriation was reduced from the Governor's amended request of \$1,016.3 to \$823.3 and Legislative intent was inserted to delete single employables and childless couples. The FY79 GR Program reduction was based on an estimate of potential savings given by DHSS.

In September 1978 DHSS published proposed regulations to delete single employables and childless couples to comply with Legislative intent. Alaska Legal Services comments were received and reviewed by the Attorney General's office. Alaska Legal Services made it clear that court action would be initiated if DHSS proceeded to adopt these regulations. An Attorney General's opinion lead DHSS to conclude that it did not have authority to remove these two groups.

At the present time, these two groups are still being served under the GR Program. In spite of this, DHSS expects to lapse approximately \$200.0 of its FY79 appropriation for GR. This, when added to the \$193.0 initially deleted by the Legislature from the Governor's amended FY79 request, results in an expected savings of \$393.0 for FY79. This savings resulted not by deleting single employables and childless couples, but by redefining how "needy" or "desperate" an applicant had to be in order to receive assistance.

II. Analysis of SB 124

It appears clear that the legislative intent of SB 124 is to limit general relief assistance payments by restricting individuals from

participating in the General Relief program. However, there are several critical technical areas which were not addressed in the bill. The following brief summary will address of few of those major areas which would create administrative as well as financial burdens upon the State.

The bill was patterned after Hawaii's General Assistance program. As their program is relatively new, there is no data readily available regarding the success of Hawaii's program as a means of reducing costs or providing meaningful employment.

- (1) The word "assistance" in AS 47.25.120 - AS 47.25.300 is defined in section 300 to include medical assistance. The bill appears to have been drafted without specific regard to this fact. If it is the intent to eliminate emergency medical coverage for persons who do not meet the requirements of this bill, that specific intent should be stated.

(2) Job Search

The requirements for Public Service Employment in Hawaii requires an individual to contact three perspective employees each week and have the prospective employer verify in writing that those contracts were made. In small communities with few employers, this would create a burden upon employers when there is little liklihood that there would be a job opening. The Alaska Unemployment Benefits program has long dealt with these problems and has essentially exempted people in remote areas from job search requirements.

- (3) The bill establishes eligiblity for individuals who are disabled and the determination of disability is to be made by a physician. The cost of this medical exam would in most cases exceed the amount of the assistance granted unless specifically covered under GR Medical.

III. Analysis of Current Fairbanks Situation

*How many new ones*

At the present time thre are the following kinds of needy citizens applying for GRA in the Fairbanks area/DPA:

- (1) Persons who have dependent children in their homes, single individuals, and who have lived in Alaska several years, quit their job(s) to take a pipeline job and now cannot find employment.
- (2) Persons who have dependent children in their homes, single individuals and couples who came to Alaska to work on the pipeline and at the completion of the pipeline construction have not been able to find employment.
- (3) In addition to the above people applying for GR, we have noted an increase in the number of applicants who have lived in Alaska from a few to many years but who have never worked on the pipeline. These same people have had jobs but are not now working because of a slow down in the Fairbanks economy and resultant lay off.